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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,733	01/12/2004	David J. Dedic	AADG10000100	1117
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DELIO & PETERSON 121 WHITNEY AVENUE NEW HAVEN, CT 06510			EXAMINER NEGRON, ISMAEL	
			ART UNIT	PAPER NUMBER

2875

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/755,733

Applicant(s)

DEDIC ET AL.

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-19 is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,9-11,15 and 16 is/are rejected.
- 7) ☒ Claim(s) 6,8 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on February 21, 2006 has been entered. Claims 1, 3, 4, 7 and 15 have been amended. Claims 2, 13 and 14 have been cancelled. Claims 17-19 have been added. Claims 1, 3-12 and 15-19 are still pending in this application, with claims 1, 15 and 17-19 being independent.
2. The drawings were received on February 21, 2006. These drawings are acceptable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-5, 7, 9-11, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over MORRIS (U.S. Pat. 6,058,635) in view of CHIEN (U.S. Pat. 5,775,016).
4. MORRIS discloses an illumination system having:
 - **a doorframe formed by three frame members (as recited in claims 1 and 15), Figure 1, reference number 20;**

- **the three frame members including two side panels (as recited in claims 1 and 15), Figure 1, reference numbers 21 and 22;**
- **the three frame members also including an overhead lintel (as recited in claims 1 and 15), Figure 1, reference number 23;**
- **the side panels being separated by the lintel (as recited in Claim 1), column 2, lines 28-32;**
- **each of the frame members formed of a hollowed construction (as recited in Claim 1), as seen in Figure 1;**
- **the frame members having an interior portion for receiving a door (as recited in Claim 1), as evidenced by Figure 1;**
- **the frame members having an open exterior portion for attaching to a support structure (as recited in Claim 1), as seen in Figure 1;**
- **the frame members having outwardly facing first and second side faces (as recited in Claim 1), inherent;**
- **the frame members defining a maximum outer periphery (as recited in Claim 1), inherent;**
- **an illumination device (as recited in claims 1 and 15), Figure 1, reference numbers 24-26;**
- **a channel located on or within the first side face (as recited in claims 1 and 15), as seen in Figure 2;**

Art Unit: 2875

- **the door frame being illuminated about the side panels and the lintel when the illumination device is activated by a power source (as recited in claims 1 and 15), column 1, lines 45-56;**
- **the illumination device located in the channel (as recited in claims 1 and 16), as seen in Figure 1;**
- **a junction box (as recited in Claim 9), as seen in Figure 1;**
- **the junction box being securable to the door frame (as recited in Claim 9), inherent;**
- **the junction box providing for electrical connection to a power source for the illumination device (as recited in Claim 9), as evidenced by Figure 1;**
- **an aperture within the door frame (as recited in Claim 10), as seen in Figures 2, 3, 5 and 6;**
- **the junction box being attached to aperture of the door frame (as recited in Claim 10), as seen in Figure 5 and 6;**
- **a door (as recited in Claim 11), Figure 1, reference number 55;**
- **the door being attached to the door frame by a hinged connector (as recited in Claim 11), as seen in Figure 1.**

5. MORRIS discloses all the limitations of the claims, except:

- **the illumination device being an outwardly open electroluminescent (EL) strip (as recited in Claim 1);**

Art Unit: 2875

- the channel substantially traversing the maximum outer periphery of the frame members (as recited in Claim 1);
- a U-shaped channel (as recited in claims 3, 4 and 15);
- the U-shaped being integrally formed with the first side face (as recited in Claim 3);
- the U-shaped channel being secured to the first side face (as recited in claims 4 and 15);
- the EL strip being placed within a race way tube (as recited in claims 5, 7, and 16);
- the raceway tube having at least a transparent or translucent front surface (as recited in claims 5, 7, and 16);
- the raceway tube being secured to the first side face (as recited in claims 5, 7, and 16);
- the raceway tube being fitted and secured to the first side face channel (as recited in Claim 7);
- the door having a recess for flush mounting an EXIT sign (as recited in Claim 11); and
- a second set of raceway tube being secured to structures leading to the doorframe (as recited in Claim 15).

6. CHIEN discloses a safety sign, having:

- **an illumination device (as recited in Claim 1), Figure 15A;**

Art Unit: 2875

- **the illumination device being an electroluminescent (EL) strip (as recited in Claim 1), Figure 15A, reference numbers 7-11;**
- **a U-shaped channel (as recited in claims 3 and 4)**
- **the EL strip being placed within a race way tube (as recited in claims 5 and 7), as suggested in column 5, lines 24-30;**
- **the raceway tube having at least a transparent or translucent front surface (as recited in claims 5 and 7), Figure 15A, reference number 52;**
- **the raceway tube being secured to the first side face of an emergency exit door (as recited in claims 5 and 7), as seen in Figure 6;**
- **the raceway tube being fitted and secured to a channel (as recited in Claim 7), as suggested in column 5, lines 27-30;**
- **the door having a recess for flush mounting an EXIT sign (as recited in Claim 11), as evidenced by Figure 6; and**
- **a second set of raceway tube being secured to structures leading to the door frame (as recited in Claim 15), as seen in Figure 6.**

7. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use the EL illumination device of CHIEN in the illumination system of MORRIS, as such EL illumination device is recognized to have many advantages over the incandescent light sources of MORRIS (e.g. reduced size,

Art Unit: 2875

increased flexibility, relative softness, high efficiency, low power consumption, long life, resistance to shocks and vibrations, and low heat production). See from column 3 (line 61) to column 4 (line 9) of CHIEN.

8. Regarding the door frame including a U-shaped channel being integrally formed (as recited in Claim 3) with, or secured to the first side face (as recited in Claim 4), it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made that the aperture structure 24 and 25 of MORRIS (as shown in Figure 2) was an equivalent structure known in the art. Providing a U-shaped channel to the door frame of MORRIS for receiving the light source of CHIEN would have flowed naturally to one of ordinary skill in the art to simplify installation, as suggested by CHIEN (see column 5, lines 24-30).

Allowable Subject Matter

9. Claims 17-19 are allowed.

10. Claims 6, 8 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches an illuminated doorframe having an EL device positioned about the outward periphery of the doorframe, the EL device being placed within a raceway tube having a transparent or translucent front surface. The raceway tube being substantially uniform in thickness on the front and back portions, a substantially smaller thickness on a side portion, and an overlapping and interlocking clamp on the other side portion. In an alternative embodiment, an overlapping and interlocking clamp might be used on both side portions. In addition, a door might be attached to the door frame by means of a hinged connector, such hinged connector including one aperture for electrical wiring, with a corresponding aperture being formed on the door frame to receive the electrical wiring from the hinged connector.

No prior art was found teaching individually, or suggesting in combination, all of the features of the applicants' invention, specifically the claimed structure of the raceway tube or hinged connector, in combination with the recited structural limitations of the claimed doorframe.

Response to Arguments

12. Applicant's arguments filed February 21, 2006 have been fully considered but they are not persuasive.

13. Regarding the Examiner's rejection of claims 1, 3-5, 7, 9-11, 15 and 16 (subject matter previously presented in claims 1-5, 7, 9-11, 15 and 16) under 35 U.S.C. 103(a)

Art Unit: 2875

as being unpatentable over MORRIS (U.S. Pat. 6,058,635) in view of CHIEN (U.S. Pat. 5,775,016), the applicant argues that the cited references fail to individually disclose, or suggest in combination, all the features of the claimed invention, specifically a U-shaped channel mounted on, or formed integrally with, the side faces and/or the lintel face for mounting electroluminescent (EL) strips peripherally around a doorframe. The applicant further argues that MORRIS discloses incandescent lights, which are not designed or mountable about the periphery of the doorframe, and that CHIEN teaches EL strips which are not attached to doorframes.

14. In response to applicant's argument that MORRIS and CHIEN fail to disclose, or even suggest, a U-shaped channel mounted on, or formed integrally with, the side faces and/or the lintel face for mounting electroluminescent (EL) strips peripherally around a doorframe, the applicant is advised that the test for obviousness is not whether the claimed invention is expressly suggested in any one or all of the references, but what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). The applicant is further advised that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In this case, as detailed in previous sections 3-8, it would have flown naturally to one of ordinary skill in the art to use the EL strips of CHIEN in combination with the

Art Unit: 2875

illuminated door frame of MORRIS, as EL illumination devices are recognized in the art to have many advantages (e.g. reduced size, increased flexibility, relative softness, high efficiency, low power consumption, long life, resistance to shocks and vibrations, and low heat production) over incandescent light sources, such as those disclosed by MORRIS.

15. In response to applicant's arguments that MORRIS and CHIEN fail to disclose, or even suggest, the EL strips being positioned within a U-shaped channel mounted on, or formed integrally with the doorframe, the applicant is advised that in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom. *In re Preda*, 159 USPQ 342 (CCPA 1968). In this case, the applicant is directed to Figure 2 of CHIEN, where a EL strip is disclosed received by a U-Shaped channel. While the applicant is correct in that the channel disclosed by CHIEN is formed in a structure intended to be used as a floor tile, they will surely agree that one of ordinary skill in the art would have recognized that such "floor tile" could be used to support the EL strips from any surface, including a doorframe. One would have been motivated to provide illumination of emergency exit doors, with an efficient and reliable illuminating structure, as evidenced by both MORRIS and CHIEN.

In addition, it is noted that the limitation defining the claimed channel as U-shaped is not recited in independent Claim 1, but introduced by dependent claims 3 and 4.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

17. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached at (571) 272-2378. The facsimile machine number for the Art Group is (571) 273-8300.


19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status

Art Unit: 2875

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.



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